

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)
) Chapter 12
DAVID J. BUCHANAN,)
)
) Bk. No. 08-13369 (BLS)
)
Debtor.)

DAVID J. BUCHANAN,)
)
Appellant,)
)
v.) Civ. No. 09-366-SLR
)
TRUSTEE MICHAEL B. JOSEPH,)
)
Appellee.)

MEMORANDUM ORDER

At Wilmington this 28th day of October, 2010, having considered appellant's motion for reargument and the papers submitted in connection therewith;

IT IS ORDERED that appellant's motion (D.I. 26)¹ is denied for the following reasons.

1. The purpose of a motion for reconsideration is to "correct manifest errors of law or fact or to present newly discovered evidence." *Max's Seafood Café ex rel. Lou-*

¹Although captioned as a "Motion for Reargument," defendant is essentially seeking reconsideration of the court's memorandum order dated March 22, 2010 (D.I. 23)

Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). Accordingly, a court may alter or amend its judgment if the movant demonstrates at least one of the following: (1) a change in the controlling law; (2) availability of new evidence not available when summary judgment was granted; or (3) a need to correct a clear error of law or fact or to prevent manifest injustice. *See id.*

2. Appellant has failed to demonstrate any of the aforementioned grounds to warrant a reconsideration of the court's order.


United States District Judge